

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: DARVOCET, DARVON AND PROPOXYPHENE
PRODUCTS LIABILITY LITIGATION**

William Halcomb, et al. v. Eli Lilly & Co., S.D. Indiana,)
C.A. No. 1:11-1691)

MDL No. 2226

TRANSFER ORDER

Before the Panel:* Pursuant to Rule 7.1, plaintiffs move to vacate our order conditionally transferring this action (*Halcomb*) to MDL No. 2226. Defendant Eli Lilly & Co. (Eli Lilly) opposes the motion.

In support of their motion to vacate, plaintiffs argue primarily that federal jurisdiction does not exist in this case, as demonstrated in their pending motion to remand to state court. Plaintiffs also argue that significant local discovery will be necessary and transfer will inconvenience them and their witnesses. We find these arguments unpersuasive. The Panel often has held that a pending motion for remand is not a bar to transfer. *See In re Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F. Supp. 2d 1346, 1347-48 (J.P.M.L. 2001). The transferee judge can rule on plaintiffs' pending remand motion. *Id.* Moreover, while transfer of a particular action might inconvenience some parties to that action, such transfer is often necessary to further the expeditious resolution of the litigation taken as a whole. *See, e.g., In re Crown Life Ins. Premium Litig.*, 178 F. Supp. 2d 1365, 1366 (J.P.M.L. 2001).

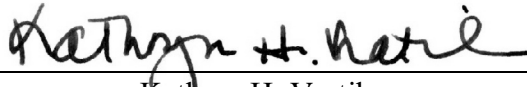
After considering all argument of counsel, we find that the action shares questions of fact with actions in this litigation previously transferred to the Eastern District of Kentucky, and that transfer of this action to the Eastern District of Kentucky for inclusion in MDL No. 2226 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Like many of the already-centralized actions, the *Halcomb* case involves factual questions arising from allegations that Darvon and Darvocet were defectively designed and marketed and claims that the ingestion of Darvon and/or Darvocet resulted in cardiovascular injury. *See In re Darvocet, Darvon and Propoxyphene Prods. Liab. Litig.*, 780 F. Supp. 2d 1379, 1380 (J.P.M.L. 2011).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, this action is transferred to the Eastern District of Kentucky and, with the consent of that court, assigned to the Honorable Danny C. Reeves for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

* Judge John G. Heyburn II took no part in the decision of this matter.

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PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in black ink, appearing to read "Kathryn H. Vratil", is positioned above a horizontal line.

Kathryn H. Vratil
Acting Chairman

W. Royal Furgeson, Jr.
Paul J. Barbadoro
Charles R. Breyer

Barbara S. Jones
Marjorie O. Rendell